

AMENDED IN ASSEMBLY APRIL 25, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 633

Introduced by Assembly Member Galgiani

February 21, 2007

An act to add Section 2462 to the Streets and Highways Code, relating to grade separation projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 633, as amended, Galgiani. Grade separation projects.

Existing law requires the Public Utilities Commission to develop and maintain a priority list of railroad-highway grade crossings determined to be most urgently in need of separation or alteration. Existing law requires each annual proposed budget prepared by the Department of Transportation to include \$15,000,000 for grade separation projects. Existing law requires the California Transportation Commission to allocate available funding to projects pursuant to the priority list prepared by the Public Utilities Commission, and requires certain matching funds to be provided from nonstate funds and by the affected railroad. Under existing law, an allocation may only be made to a local agency if it furnishes evidence that sufficient local funds will be made available as the grade separation project progresses.

~~This bill would authorize a city, county, or city and county to apply for funding assistance if it has an unmet need for grade separation projects and it does not have sufficient local funding, as specified. The bill would authorize the California Transportation Commission to provide a city, county, or city and county meeting certain requirements~~

with funding and to adjust or defer the local funding requirement. The bill would also authorize this commission to adopt specified regulations.

This bill would require the Public Utilities Commission and the Department of Transportation to issue a joint public report to the appropriate policy and fiscal committees of the Legislature no later than September 1, 2008. The bill would require the report to include, among other things, an evaluation of the grade separation project funding program and recommendations for establishing a hardship application process allowing for the adjustment or deferral of local financial participation in severe circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) For decades, the greatest cause of fatalities associated with
4 railroads in the United States has been collisions between trains
5 and motor vehicles at railroad-highway grade crossings. Collisions
6 at these crossings are the most critical rail-related safety problem.

7 (b) The California Highway Patrol, in its collision and train
8 accident report, has identified over 700 collisions with more than
9 600 victims either injured or killed since 2001.

10 (c) According to the Federal Railroad Administration, California
11 ranks fifth in the nation for public grade crossing accidents and
12 fatalities with 130 collisions in 2004 alone.

13 (d) There are significant public safety concerns relating to the
14 juxtaposition of railroad crossings to emergency services where
15 railroad traffic adversely affects the delivery of emergency services
16 and can result in death.

17 (e) It is therefore appropriate to provide funding to eliminate
18 railroad-highway grade crossings in the state that endanger the
19 public.

20 SEC. 2. Section 2462 is added to the Streets and Highways
21 Code, to read:

22 ~~2462. (a) A city, county, or city and county, may apply for~~
23 ~~funding assistance in order to satisfy the requirements of Section~~
24 ~~2456 if sufficient local funding is not available and the city, county,~~
25 ~~or city and county has met the requirements of subdivision (b).~~

1 ~~(b) A city, county, or city and county applying for funding~~
2 ~~assistance pursuant to this section shall meet the following~~
3 ~~requirements:~~

4 ~~(1) That due to extreme financial, disaster related, safety related,~~
5 ~~or any other hardship, the city, county, or city and county has an~~
6 ~~unmet need for grade separation projects.~~

7 ~~(2) That the city, county, or city and county does not have the~~
8 ~~sufficient local funding otherwise required for state participation;~~
9 ~~that the city, county, or city and county has made all reasonable~~
10 ~~efforts to impose all levels of local debt capacity and development~~
11 ~~fees, and that the city, county, or city and county is, therefore,~~
12 ~~unable to participate in the grade separation projects pursuant to~~
13 ~~this chapter except as specified in this section.~~

14 ~~(c) The California Transportation Commission, pursuant to~~
15 ~~Section 190, may provide state funding to a city, county, or city~~
16 ~~and county meeting the requirements of subdivisions (a) and (b)~~
17 ~~and may adjust or defer the local funding requirement.~~

18 ~~(d) The California Transportation Commission shall adopt~~
19 ~~regulations for determining the amount of state funding that may~~
20 ~~be provided to a city, county, or city and county and the eligibility~~
21 ~~and prioritization of funding under this section.~~

22 2462. *(a) No later than September 1, 2008, the Public Utilities*
23 *Commission and the Department of Transportation shall issue a*
24 *joint report to the appropriate policy and fiscal committees of the*
25 *Legislature. The report shall include, but not be limited to, all of*
26 *the following:*

27 ~~(1) An evaluation of the program established pursuant to this~~
28 ~~chapter, which shall include an evaluation of any problems the~~
29 ~~California Transportation Commission has encountered in carrying~~
30 ~~out its duties under this chapter and any problems local agencies~~
31 ~~have encountered when seeking to obtain approval of or funding~~
32 ~~for a project.~~

33 ~~(2) An evaluation of factors that increase the cost for projects~~
34 ~~and suggested actions to lower the overall cost of projects.~~

35 ~~(3) Recommendations for streamlining and improving the~~
36 ~~program established pursuant to this chapter.~~

37 ~~(4) Recommendations for establishing a hardship application~~
38 ~~process in which the California Transportation Commission may,~~
39 ~~in severe circumstances, adjust or defer the local financial~~
40 ~~participation required under Section 2456.~~

- 1 *(b) In developing the report required by this section, the Public*
- 2 *Utilities Commission and the Department of Transportation may*
- 3 *consult with local agencies and railroad companies.*